

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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PAUL LECLAIR

Plaintiff,

vs.

HOME DEPOT USA, INC.,

Defendant.

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CIVIL ACTION NO. 04-11633RGS


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**HOME DEPOT USA, INC.'S MOTION FOR SUMMARY JUDGMENT**

Defendant Home Depot USA, Inc. ("Home Depot") hereby moves pursuant to Fed. R. Civ. P. 56 for entry of summary judgment in its favor. In support of its motion, Home Depot states that there are no genuine issues of material fact and Home Depot is entitled to judgment as a matter of law because Home Depot owed no duty to Plaintiff Paul LeClair to warn him of open and obvious hazards. The grounds for Home Depot's motion are fully set forth in the attached Memorandum of Law in Support of Home Depot U.S.A., Inc.'s Motion for Summary Judgment and the undisputed facts are set forth in the incorporated Local Rule 56.1 Concise Statement of Material Facts.

**HOME DEPOT USA, INC.,**

By its Attorneys,



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12-21-06

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was served upon the following counsel of record by ~~Federal Express~~ on December 21, 2005.

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and via the ECF email system*

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Christopher A. Callanan